

REMARKS***Remaining Claims***

Claims 4-5, 7-8, 11-12, and 14-17 have been amended to more clearly point out and distinctly claim the invention. Claims 1-3 and 13 have been cancelled through this Amendment. After these amendments are entered, thirteen (13) claims (Claims 4-10, 11-12 and 14-17) remain pending in this application through this Amendment.

Specification objection

The objection of the specification has been overcome by introducing section headings in the specification.

Claim objections

The objections of Claims 4, and 7-8 have been overcome by the amendments of claims 4 and 7-8.

Claim rejections under 35 USC §112

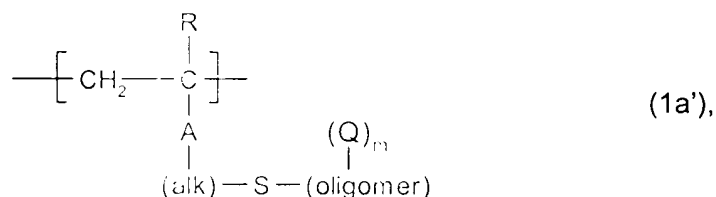
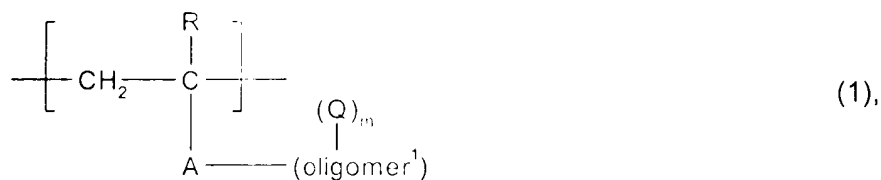
The rejections under 35 USC §112, the second paragraph, of Claims 12-13 have been overcome by the amendments of claim 12 and cancellation of claim 13.

Claim rejections under 35 USC §103

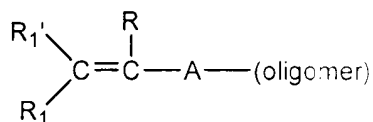
Claims 1-3, 11, 12 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reich et al (US 6,090,995) in view of Meyer et al (US 6,280,760). Claims 1-3 and 14 have been cancelled, and this rejection is therefore moot with respect to those claims. The rejections of claims 11 and 12 have been obviated by incorporating the limitation elements of amended claim 4 or 8 into claim 11 or 12.

Claims 4-10 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reich et al (US 6,090,995) in view of Meyer et al (US 6,280,760) and further in view of Miyasaka et al (US 4,987,032) and WO 9957581. For the following reasons, the Examiner's rejection over claims 4-10 and 15-17 is respectfully traversed.

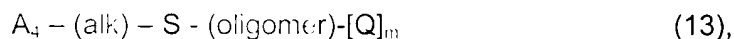
Applicants submit that neither the primary reference nor any one of the three secondary references discloses or suggests anything about a comb-type polymer having units of formula (1) or (1a)



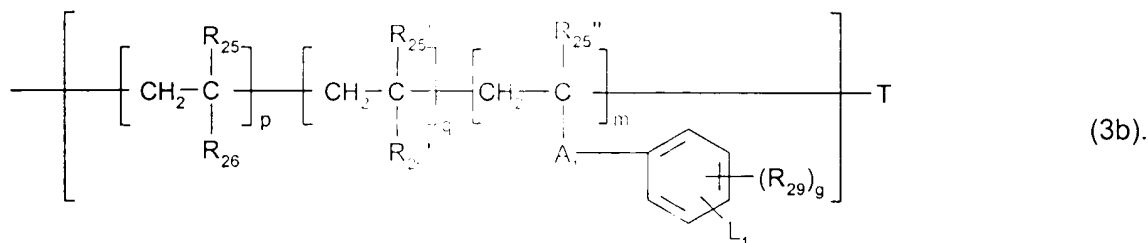
in which R, A, alk, oligomer, oligomer¹, Q and m are defined in the claims. Although WO 9957581 discloses a macromer of formula



the macromer of WO9957581 with the above formula can not form a comb-type of polymer of the present invention with formula (1), since the radical, (oligomer), in the macromer of WO9957581 does not comprises a radical comprising a triggerable precursor for carbene or nitrene formation. Applicants also submit that neither the primary reference nor any one of the three secondary references discloses or suggests anything about a telomer of formula




wherein A₄ is hydroxy, amino, carboxy or a derivative thereof, (alk) is C₂-C₆-alkylene, and (oligomer)-[Q]_m is a radical of formula



Therefore, Applicants respectfully submit that the present invention as currently claimed is patentable over the primary reference, alone or in combination with the secondary references. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Corporate Intellectual Property, One Health Plaza, Bldg. 430, East Hanover, NJ 07936-1080. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

Respectfully submitted,


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